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EXAMINER

BAUGH, APRIL L

ART UNIT

PAPER NUMBER

2141

DATE MAILED: 09/02/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Restarting Time Period, mailed to wrong  
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# Office Action Summary

Application No.

09/500,698

Applicant(s)

BULKOWSKI, BRIAN

Examiner

April L Baugh

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-55 is/are pending in the application.
- 4a) Of the above claim(s) 36-38,49 and 51-55 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-35,39-48 and 50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Amendment***

Applicant has amended claims 1-7, 22, 31, 32, 39-43, 48, and 50 and canceled claims 36-38, 49, and 51-55, therefore claims 1-35, 39-48, and 50 are now pending.

### ***Response to Arguments***

1. Applicant's arguments with respect to claims 1-35, 39-48, and 50 have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-6, 8-23, 25-34, 39-40, 42-50 rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,108,703 to Leighton et al. in view of Weber.

Regarding claim 1, Leighton et al. teaches a method for receiving data over via broadcast media (column 1, lines 9-10), comprising the steps of: receiving a request for a desired data object (column 1, lines 30-32), said desired data object being associated with a first-level name; obtaining any second-level names associated with said first-level name, said second-level names

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being associated with respective low-level data to objects constituting at least a portion of said desired data object (column 3, lines 17-36).

Leighton et al. does not teach multiple channels. Weber teaches receiving data over via multiple channel broadcast media and obtaining location information associated with said second-level names via a first channel, said location information identifying at least two of said multiple channels as propagating data associated with low-level data objects (column 1, lines 55-63 and column 10, lines 6-8 and column 11, lines 31-32 and column 14, lines 39-47) and obtaining. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcast distribution system of Leighton et al. by broadcasting on multiple channels because with multiple channels data is accessed more efficiently.

Regarding claim 3, Leighton et al. teaches the method of claim 1 (column 1, lines 9-10).

Leighton et al. does not teach multiple channel broadcast medium. Weber teaches wherein data associated with respective low-level data objects is received at least two channels of said multiple channel broadcast medium (column 14, lines 39-44). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcast distribution system of Leighton et al. by broadcasting on multiple channels because with multiple channels data is accessed more efficiently.

Referring to claim 22, Leighton et al. teaches a method for receiving data via broadcast media (column 1, lines 9-10), comprising the steps of receiving a request for a desired data object (column 1, lines 30-32), said desired data object being associated with a first-level name (column 3, lines 17-36).

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Leighton et al. does not teach multiple channel broadcast media. Weber teaches receiving data over via multiple channel broadcast media (column 14, lines 39-44) and obtaining any second-level names associated with said first-level name, said second-level names being associated with respective low-level data objects constituting at least a portion of said desired object; and obtaining location information associated with said second-level names via a first channel, said location information identifying at least an order of presentation of said low-level data objects during a presentation of said desired data object (column 1, lines 55-63 and column 11, lines 31-32 and column 14, lines 46-47 and column 15, lines 34-37). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcast distribution system of Leighton et al. by broadcasting on multiple channels because with multiple channels data is accessed more efficiently.

Regarding claim 31, Leighton et al. teaches a method for organizing data for transmission via broadcast media, comprising: associating a first-level name with said data; organizing said data into a plurality of data objects (column 3, lines 17-36).

Leighton et al. does not teach multiple broadcast channels. Weber teaches associating each of said plurality of data objects with a second-level name, a location associated with said second level name, and a broadcast channel assignment, wherein at least two channels of said multiple channel broadcast media are assigned for use in broadcasting said data objects (column 1, lines 55-63 and column 11, lines 31-32 and column 14, lines 46-47). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcast distribution system of Leighton et al. by broadcasting on multiple channels because with multiple channels data is accessed more efficiently.

Regarding claim 39, Leighton et al. teaches an apparatus having at least one processor and at least one memory (column 3, line 43 and column 5, lines 3-4) coupled to said at least one processor for receiving data over a broadcast medium, said apparatus includes: a first mechanism configured to receive a request for a desired data object, said desired data object being associated with a first-level name; a second mechanism configured to obtain any second level names associated with said first-level name, said plurality of second-level names being associated with respective low-level data objects constituting at least a portion of said desired data objects (column 3, lines 17-36).

Leighton et al. does not teach multiple channels. Weber teaches receiving data over a multiple channel broadcast medium and a third mechanism configured to obtain location information associated with said second-level names via a first channel, said location information identifying at least two of said multiple channels as propagating data associated with low-level data objects (column 3, line 32, and column 14, lines 25-27 and 39-44). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcast distribution system of Leighton et al. by broadcasting on multiple channels because with multiple channels data is accessed more efficiently.

Regarding claim 42, Leighton et al. teaches the apparatus of claim 39 (column 3, line 43 and column 5, lines 3-4).

Leighton et al. does not teach broadcasting a number of times. Weber teaches wherein data associated with respective low-level data objects is broadcast a number of times as indicated in said location information (column 3, line 32, and column 14, lines 25-27). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to

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modify the broadcast distribution system of Leighton et al. by broadcasting on multiple channels a number of times because with multiple channels data is accessed more efficiently.

Referring to claim 48, Leighton et al. teaches an apparatus having at least one processor and at least one memory coupled to said at least one processor (column 3, line 43 and column 5, lines 3-4) for receiving data over broadcast media, said apparatus includes: a reception mechanism configured to receive a request for a desired object, said desired data object being associated with a first-level name; a lookup mechanism configured to look up said first-level name (column 3, lines 17-36).

Leighton et al. does not teach multiple channels. Weber teaches receiving data over via multiple channel broadcast media (column 14, lines 39-44) and a first obtain mechanism configured to obtain any second-level names associated with said first-level name, said second-level names being associated with respective low-level data objects constituting at least a portion of said desired object; and a second obtain mechanism configured to obtain location information associated with said second-level names via a first channel, said location information identifying at least an order of presentation of said low-level data objects during a presentation of said desired data object (column 1, lines 55-63 and column 11, lines 31-32 and column 14, lines 46-47 and column 15, lines 34-37). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcast distribution system of Leighton et al. by broadcasting on multiple channels because with multiple channels data is accessed more efficiently.

Regarding claim 50, Leighton et al. teaches a computer program product including: a computer usable storage medium having computer readable code embodied therein for causing a

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computer to receive data over a broadcast medium (column 5, lines 3-5), said computer readable code includes: computer readable program code configured to cause said computer to effect a reception mechanism configured to receive a request for a desired data object, said desired data object being associated with a first-level name (column 3, lines 17-36).

Leighton et al. does not teach multiple channels. Weber teaches computer readable program code configured to cause said computer to effect a first obtain mechanism configured to obtain any second-level names associated with said first-level name, said second-level names being associated with respective low-level data objects constituting at least a portion of said desired object; and computer readable program code configured to cause said computer to effect a second obtain mechanism configured to obtain location information associated with said second-level names via a first channel, said location information identifying at least an order of presentation of said low-level data objects during a presentation of said desired data object (column 1, lines 55-63 and column 11, lines 31-32 and column 14, lines 46-47 and column 15, lines 34-37). Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the broadcast distribution system of Leighton et al. by broadcasting on multiple channels because with multiple channels data is accessed more efficiently.

Referring to claim 2 and 40, Leighton et al. teaches the method of claim 1 and 39 wherein said desired data object is a web page comprising a plurality of low-level data objects adapted for display in a preferred presentation order defined by priority rankings included within said location information (column 3, lines 10-11 and column 3, lines 44-48).



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Regarding claim 4, 5 and 43, Leighton et al. teaches the method of claim 1 and 39, wherein data associated with respective low-level data objects is broadcast according to a protocol indicated in said location information (column 1, lines 18-20 and column 10, lines 7-10).

Referring to claim 6, Leighton et al. teaches the method of claim 1, wherein said location information indicates for each low-level data object a location parameter, a size parameter and a bandwidth parameter (column 3, lines 29-33 and column 9, lines 64-67).

Regarding claim 8, Leighton et al. teaches the method of claim 1 wherein said broadcast medium is a portion of a computer network (column 1, lines 9-10).

Referring to claim 9, Leighton et al. teaches the method of claim 1 wherein said first-level name is a uniform resource locator (URL) (column 1, lines 25-26).

Regarding claim 10 and 25 Leighton et al. teaches the method of claim 1 and 22 wherein said first-level name is a web page title (column 3, 10-11).

Referring to claim 11, Leighton et al. teaches the method of claim 1 wherein said first-level name is a text string (column 1, line 24).

Regarding claim 12, Leighton et al. teaches the method of claim 11 wherein said text string is associated with an icon (column 8, lines 56-57).

Referring to claim 13, Leighton et al. teaches the method of claim 1 wherein said second-level name takes a minimal amount of storage space (column 1, lines 61-65 and column 2, lines 1-3).

Regarding claim 14, Leighton et al. teaches the method of claim 1 wherein said second-level name is an integer (column 11, lines 11-13).

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Regarding to claim 15, Leighton et al. teaches the method of claim 1 wherein said second-level name is an index into a table (column 10, lines 7-10 and column 11, lines 7-8).

Referring to claim 16 and 26, Leighton et al. teaches the method of claim 1 and 22 wherein said location information is accessed through a memory containing a data structure (column 14, lines 37-39).

Regarding claim 17, 27, and 44, Leighton et al. teaches the method of claim 1, 22, and 39 wherein said location information is sufficient to locate said data in a data stream (column 3, lines 34-36).

Referring to claim 18, Leighton et al. teaches the method of claim 17 wherein said location information comprises an MPEG table (column 11, lines 7-8).

Regarding claim 19, 28, and 45, Leighton et al. teaches the method of claim 1, 22, and 39, including the further step of combining said plurality of low-level data objects (column 5, lines 56-57).

Referring to claim 20, 29, and 46, Leighton et al. teaches the method of claim 19, 28, and 45 wherein the step of combining results in a portion of said desired data object (column 3, lines 12-13).

Regarding claim 21, 30, and 47, Leighton et al. teaches the method of claim 20, 22, and 39, including the further step of presenting said desired data object (column 3, line 36).

Referring to claim 23, Leighton et al. teaches the method of claim 22 wherein said desired data object is a web page (column 3, lines 10-11).

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Referring to claim 32, Leighton et al. teaches the method of claim 31, including the farther step of broadcasting said each one of said plurality of data objects forming said data (column 3, lines 35-36).

Regarding claim 33, Leighton et al. teaches the method of claim 32, wherein said each one of said plurality of data objects is broadcast as an MPEG section (column 1, lines 19-21).

Referring to claim 34, Leighton et al. teaches the method of claim 32, wherein said each one of said plurality of data object is formatted for transmission as an MPEG section (column 1, lines 19-21).

3. Claims 7, 24, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,108,703 to Leighton et al. in view of Weber and further in view of Moura et al.

Regarding claim 7, Leighton et al. in view of Weber teaches the method of claim 1 (column 1, lines 30-33 of Leighton et al. in view of Weber).

Leighton et al. in view of Weber does not teach a cable. Moura et al. teaches wherein said broadcast media comprises at least one of a cable transmission medium, an optical transmission medium, a satellite transmission medium, an optical transmission medium, a satellite transmission medium and a radio frequency (RF) transmission medium (column 1, lines 18-19 and column 2, lines 2-4). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to further modify the global hosting system of Leighton et al. in view of Weber by having said cable because this is a means of transmitting high-levels of information over a network

Regarding claims 24 and 41, Leighton et al. in view of Weber teaches the method of claim 22 and 39 (column 1, lines 30-33 of Leighton et al.).

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Leighton et al. in view of Weber does not teach said broadcast medium includes a cable. Moura et al. teaches said broadcast medium includes a cable (column 1, lines 15-19). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to further modify the global hosting system of Leighton et al. in view of Weber by having said broadcast medium include a cable because this is a means of transmitting information over a network.

4. Claims 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No. 6,108,703 to Leighton et al. in view of Weber and further in view of Boon.

Referring to claim 35, Leighton et al. in view of Weber teaches the method of claim 31 (column 2, lines 24-29 and 50-54 and column 3, lines 1-6).

Leighton et al. in view of Weber does not teach said data object is formatted for transmission as an UDP packet. Boon teaches said data object is formatted for transmission as an UDP packet (column 17, lines 65-67). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to further modify the global hosting system of Leighton et al. in view of Weber by having said data object be formatted for transmission as an UDP packet because UDP is a part of the TCP/IP data transmission packet protocol used within the internet.

### ***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to April L Baugh whose telephone number is 703-305-5317. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal D Dharia can be reached on 703-305-4003. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

ALB

  
RUPAL DHARIA  
SUPERVISORY PATENT EXAMINER